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- a. On or about February 2, 2004, Mindy Faye Marshall (Marshall) was involved in automobile accident with Bill Rauth (Rauth) at the Burlington Coat Factory in Omaha, Douglas County, Nebraska. Rauth, President of Legal Eagle, Inc., who happens to be the policyholder in this matter, contacted Carl Bibb, (Respondent), to inform him of the details of the accident. Rauth allegedly told Bibb that he wished to proceed with a claim against Marshall. According to Respondent, no further action was taken in reporting the matter to the insurance carrier.
 - b. According to Marshall, she contacted Respondent's office. Marshall alleged that during the contact with Respondent she informed him that she wished to file a claim but Respondent refused to accept it. Marshall asserted that Respondent he informed her that he would not take the claim until Marshall's insurance company found Rauth at fault for the accident. According to Marshall Respondent then hung up the phone and ceased contact with her. Respondent disagrees with Marshall's account and also disagrees that he refused to file the claim and denies each of those allegations.
 - c. On February 27, 2004, Marshall filed a complaint with the Nebraska Department of Insurance.
 - d. On March 4, 2004, Mickey Scheidt (Scheidt), insurance investigator with the consumer affairs division of the Nebraska Department of Insurance, wrote Respondent and requested information regarding Marshall's complaint.
 - e. Respondent, in his response letter of March 5, 2004, admitted that he talked with Marshall and suggested that Marshall's insurance company handle the claim and "if they felt their liability on the part of our insured that I'm sure they would pursue the normal subrogation courses and make the claim against our insured." Respondent also informed her that that "since she was making claim under her own policy that that (sic) would be the most appropriate way to go since all indications we had would show no liability on the part of our client." Respondent also advised Marshall that "if her insurance company felt differently, they were free to file a claim and they had the appropriate information as our insured shared this with her at the time of the accident, as one is supposed to do."
 - f. Scheidt contacted United Fire Group, Rauth's carrier, and requested certain information regarding the incident. United Fire Group responded on April 13, 2004 and told Scheidt that Respondent did have authority to receive claims on their behalf and that, upon receipt of a claim, the agent is supposed to submit it to United Fire's office in Cedar Rapids, Iowa in a prompt manner regardless if the claimant or insured makes the claim and that agents must submit claims even if the insured does not want it submitted. Additionally, United Fire Group advise agents of the need to report losses to the company in various ways with our marketing, underwriting, or claims personnel. They advised the Department of

Insurance that they would be discussing this matter with Respondent and require him of the need to report losses to them.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.
4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above except those specifically denied therein. However, in order to settle this matter, Respondent agrees to accept the Director of Insurance's conclusion of law that he violated Neb. Rev. Stat. §44-4059(1)(b); 210 NAC Chapter 60, §006.01 and 210 NAC Chapter 60, §006.03.

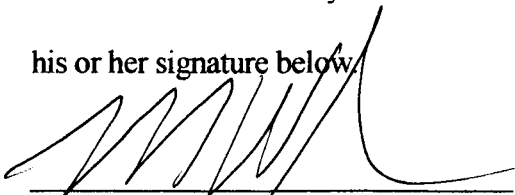
CONCLUSIONS OF LAW

It is the conclusion of the Director of Insurance that Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4059(1)(b); 210 NAC Chapter 60, §006.01 and 210 NAC Chapter 60, §006.03.

CONSENT ORDER

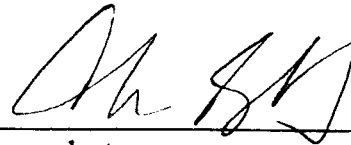
It is therefore ordered by the Director of Insurance and agreed to by Respondent, Carl M. Bibb, that Respondent shall pay an administrative fine of no less than one-thousand dollars (\$1,000) due within thirty days after the Director of Insurance or his designee approves and signs this consent order. Additionally, Respondent's insurance producer license is suspended for five days commencing after the date the Director or his designee approves this consent order. The Director of Insurance hereby grants consent to Respondent allowing him to engage in the business of insurance

as contemplated by 18 U.S.C. §1033(e) upon Respondent's successful completion of the terms of the Consent Order as recited above. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary. If Respondent fails, after the signing of this agreement, to perform any of the tasks assigned by this Consent Order, Respondent shall be held in contempt of this order and his insurance producers license shall be revoked immediately. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.



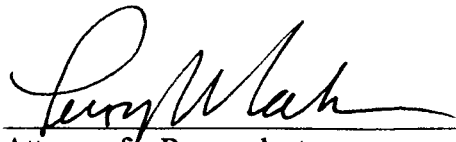
Martin W. Swanson, #20795
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

August 13, 2004
Date



Respondent

August 11, 2004
Date


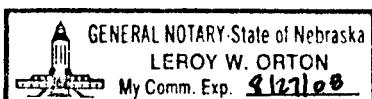


Attorney for Respondent

8-11-04
Date

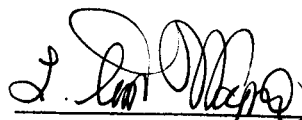
State of Nebraska)
County of Lancaster) ss.

On this 11th day of August, 2004, Carl M. Bibb personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.


Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the
Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs.
Carl M. Bibb, Cause No. A-1568.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

8/16/04
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at
1902 Howard Street, Omaha, Nebraska 68102, by certified mail, return receipt requested on this
17th day of August, 2004.

